

September 4, 1968

CONGRESSIONAL RECORD — SENATE

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115,000,000 firearms in private hands in the United States.

Perhaps more important than the figures, however, is the finding that the citizens are arming themselves "in anticipation of future riots."

The enormous potential for needless bloodshed is frightening, particularly since, in the absence of strong national gun controls, there is little that can be done to weed out incompetent and even deranged gun purchasers.

Law enforcement agencies are charged with protecting the public and maintaining order. It is apparent from comments by police quoted above that the responsibility is taken seriously. Formation of armed citizen camps will just make their job more difficult. Congress should recognize that and pass strict gun controls.

CLCCH

RUSSIAN INVASION OF CZECHOSLOVAKIA CONDEMNED BY PRESIDENT'S COMMISSION FOR HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the President's Commission for Human Rights Year sent a telegram to Secretary General U Thant protesting the invasion of Czechoslovakia by the Soviets and other nations of the Eastern bloc.

The public members of the Commission have added their voices to those already condemning this latest outrageous violation of international law by the Soviets. Again, just when it seemed possible for constructive discussions to begin on a diverse number of subjects of vital interest to the world community, the Soviets and their satellites destroy these prospects.

The world looks forward with hope to U.S. ratification of the nuclear nonproliferation treaty, talks on the limiting of defensive and perhaps offensive missiles, and possible partial nuclear disarmament in the not too distant future. Now, while I trust these are not dead issues, certainly this recent aberration of leadership in Russia makes their realization just that more difficult.

As the President's Commission stated in their wire:

World opinion will not tolerate this crime against the Law of Nations and against the Rights of Man. The hearts of men everywhere feel the tragic sadness of this third suppression of liberty in Czechoslovakia within 30 years.

Again, I invite the attention of the Senate to the words "what might have been." What might have been had there existed an international mechanism that could be brought into play in just such an episode of tyranny—a mechanism that would provide an immediate forum in which the Czechoslovaks could have pleaded their case? Again, I call attention to the fact that the United States has abdicated its leadership in the field of human rights. It is that abdication that has permitted "guarantees for the rights of all men" to become a pious phrase signifying nothing yet mocking everything this country stands for.

The Senate has failed to ratify the genocide convention, and now we are trying to speak to the Nigerians and the Biafrans with credibility and practical impact. The Senate has failed to ratify the covenant on civil and political rights

and the optional protocol thereto, and we are now condemning the Soviets for violation of the rights this convention is designed to protect.

We have a responsibility to ratify these various conventions. We have a responsibility to ourselves, to other nations that need our leadership in this field and to the preservation and dissemination of freedom throughout the world.

Mr. President, I join the President's Commission in their appeal to U Thant for U.N. action in this crisis for freedom. I ask unanimous consent that the text of the telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

AUGUST 23, 1968.

Hon. U THANT,
United Nations,
New York, N.Y.:

The undersigned, public members of the U.S. President's Commission for Human Rights Year protest strenuously the invasion and the flagrant violation of human rights committed against the people of Czechoslovakia by the Soviet Union, Poland, Hungary, Bulgaria, and East Germany.

We urge you, Mr. Secretary-General, to use your world wide prestige and known devotion to peace and human rights to secure the withdrawal from Czechoslovakia of the invading armed forces and the reinstatement of the legitimate government.

This year marks the twentieth anniversary of the Universal Declaration of Human Rights and has been designated by the United Nations as International Human Rights Year, Article 21, Section 3 of the Declaration provides that: "The will of the people shall be the basis of the authority of government . . ." In addition to any other actions this matter should be promptly presented to a specially convened session of the United Nations Commission for Human Rights.

World opinion will not tolerate this crime against the Law of Nations and against the Rights of Man. The hearts of men everywhere feel the tragic sadness of this third suppression of liberty in Czechoslovakia within 30 years.

Bruno V. Bitker, Tom C. Clark, Elinor L. Gordon, Anna Roosevelt Halsted, Dr. J. Willis Hurst, Ralph E. McGill, George Meany, Robert B. Meynor, Maurice Tempelman.

Reply to 208 E. Wisconsin Ave., Milwaukee, Wis.

HUMAN RIGHTS YEAR: CHALLENGE AND OPPORTUNITY

Mr. HARTKE. Mr. President, the United Nations General Assembly has unanimously designated 1968 as the International Year for Human Rights, in observance of the 20th anniversary of the adoption of the Universal Declaration of Human Rights. Similarly, President Johnson has proclaimed 1968 as Human Rights Year in the United States, calling upon all of us to "deepen our commitment to the defense of human rights and to strengthen our efforts for their full and effective realization both among our own people and among all peoples of the United Nations."

I know that every one of us in the U.S. Senate is already deeply committed to human rights; our oath of office pledges us to uphold our own Constitution and our own Bill of Rights. Accordingly, we

should all view Human Rights Year as both a challenge and an opportunity—a challenge to realize human rights here at home and an opportunity to universalize those rights by ratification of the United Nations Declaration of Human Rights.

Mr. President, Dr. Leonard P. Aries, vice president of the National Conference of Christians and Jews and a member of the President's Commission for Observance of Human Rights Year, has written an informative statement which details the scope of this present challenge. I ask unanimous consent that his article, entitled "Human Rights Year: Challenge and Opportunity," which appeared in the May issue of Adult Leadership, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS YEAR: CHALLENGE AND OPPORTUNITY

(By Leonard P. Aries)

(NOTE.—Dr. Aries is Vice-President, National Conference of Christians and Jews; President, Council of National Organizations for Adult Education; Member, National Committee on Human Rights of the National Citizens Commission on International Cooperation; Member, Special Committee on Non-governmental Organizations of the President's Commission for Observance of Human Rights Year; author, International Human Rights and their Implementation, 19 George Washington Law Review 6.)

This is a year of crisis. This can be a year of tragedy or an important year for Human Rights. It is not only the International Year for Human Rights but it is also the year of the Report of the President's Commission on Civil Disorders—and the assassination of Dr. Martin Luther King, Jr.

The senseless murder of the Nobel Peace Prize Winner and the destructive aftermath traumatically re-emphasize the need to look deeper within our society and ourselves to bring the practice of human rights into conformity with principle. All of us, and especially adult educators and adult educational organizations, have a challenging opportunity to play an important role in this process.

Human rights are fundamental to man's humanity, concerned primarily with the granting of equal opportunity to every human being in every endeavor of life: giving to others the same rights and respect we want for ourselves, treating people as persons with dignity, without discrimination. Our problems result from the violation of this principle.

Our responsibility as a leading nation of the world is great; we set an important example. We need to be credible, therefore, when we state that democracy is a more mature form of government in our modern world and that the essence of democracy is the recognition of the great worth of the individual as a human being. Much of the world today tests democracy by the protection of the rights of the individual, as a human being. This is yet another reason to re-examine our actions during this Human Rights Year.

The United Nations General Assembly has unanimously designated 1968 as the International Year for Human Rights, in observance of the 20th Anniversary of the adoption of the Universal Declaration of Human Rights.

The U.N. made it clear that this was meant to be not merely a year for celebration but also an opportunity for implementation. President Johnson has proclaimed 1968 as

Human Rights Year in the United States. In his proclamation, the President called "upon all Americans and all government agencies—federal, state and local—to use this occasion to deepen our commitment to the defense of human rights and to strengthen our efforts for their full and effective realization both among our own people and among all peoples of the United Nations".

HUMAN RIGHTS YEAR, 1968

Many countries have set up their own Human Rights Committees. On January 30, 1968, the President by Executive Order established a Presidential Commission for the Observance of Human Rights Year. He appointed as Chairman of the Commission, Ambassador at Large W. Averell Harriman and as Vice-Chairman, Mrs. Anna Roosevelt Halsted, daughter of the late President and Mrs. Franklin Delano Roosevelt and a distinguished community leader in her own right. The Commission is composed of other distinguished citizens and heads of executive agencies.¹

The Commission is authorized to "seek to create a better understanding of the principles of human rights as expressed in the Universal Declaration, the United States Declaration of Independence, the Constitution and Laws of the United States, and the Constitution and laws of the several states in the United States", and to "enlist the cooperation of educational institutions, foundations, mass media, civic, labor, and other organizations" and "conduct such other activities as it may deem appropriate to provide for the effective participation of the United States". The Commission is to coordinate its activities with those of the U.S. National Commission for UNESCO. Special committees have been created by the Commission including a Special Committee for Non-Governmental Organizations.

The United Nations has asked the nations of the world to examine their domestic laws and practices against the standard set by the Universal Declaration of Human Rights, secure ratification of nine U.N. Conventions pertaining to human rights and extend human rights education throughout each country.

This is indeed, a time for stock-taking and soul-searching. We must accelerate the process which has already begun. Because of the disorders of last summer and concern for the future, the President appointed a National Commission on Civil Disorders. Chairman of the Commission was Otto Kerner, Governor of Illinois; Vice Chairman John V. Lindsay; Mayor of New York City. The Commission was composed of knowledgeable and dedicated persons.² The excellent report of this Commission is now available in a 600-page paperback volume. Its principal thrust is: unless we complete here the unfinished business of democracy by providing equal opportunity and the implementation of human rights for all, our direction in this country will be toward the apartheid state, with all its attendant tragedy.

APARTHEID: U.S. DANGER

Because of the world concern for the drift toward apartheid, and pursuant to the mandate of the United Nations to confer concerning human rights, approximately 75 persons, representing many different disciplines and ideologies from some 30 countries were invited to participate in a non-governmental Assembly on Human Rights in Montreal, Canada in March of 1968. This was an intensive, working conference which culminated in an excellent document called "The Montreal Statement of the Assembly for Human Rights". In addition to other uses, this document will serve as a recommendation for a governmental Conference on Human Rights to be held in Teheran, Iran, later this year.

Footnotes at end of article.

The Montreal Assembly expressed profound concern about the condition of human rights in this year of international crisis and explored ways in which mankind's shared aspirations to human dignity can become a reality. It stated that few tasks facing the world today are of more vital importance than the promotion and protection of human rights, that the problems of peace are intimately connected with problems of human rights, and that a permanent peace cannot be achieved without creating conditions that assure men everywhere the highest stake in building a world in which their lives and their human dignity are safeguarded, and in which freedom from fear is secured. The Montreal Assembly recognized that the Charter of the United Nations is the constitutional document of the world community and creates binding obligations for members of the United Nations with respect to human rights.

It is of interest to note that the inclusion of human rights provisions in the Charter of the United Nations was a revolutionary break with the past and has been credited by many to have been a result of the persistent efforts of non-governmental organizations in San Francisco in 1945. It is well to recall, too, that in the preamble to the Charter there is a reaffirmation of the "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small", and their determination "to promote social progress and better standards of life and larger freedom". In article I of the Charter, the main purpose of the UN for the achievement of international cooperation includes, "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". In article 55, the United Nations has the duty to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". Other articles in the Charter support these provisions.

NEED FOR DETAILED STUDY OF HUMAN RIGHTS

Twenty years ago, on December 10, 1948, the General Assembly approved the Universal Declaration of Human Rights with no dissent.³ Mrs. Franklin D. Roosevelt was chairman of the UN Commission on Human Rights then and one of the major architects of the Universal Declaration. Because the observance this year is based on the Universal Declaration, it may be useful to discuss it in more detail. It is not a treaty, yet, it constitutes an authoritative interpretation of the Charter of the highest order, and has, over the years, become a part of customary international law. Since it is based in large measure on our own Constitution and Bill of Rights it should not be surprising to note provisions for the protection of similar rights.

The Universal Declaration of Human Rights contains a preamble and thirty articles. The preamble states that the foundation of freedom, justice, and peace in the world is the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family; that the disregard and contempt of human rights have resulted in barbarous acts which have outraged the conscience of mankind; and that the highest aspiration of the common people is a world in which human beings have freedom of speech and belief and freedom from fear and want. It is essential, continues the Preamble, if man is not to be compelled to rebel against tyranny and oppression, that human rights be protected by rule of law. The Preamble concludes by the General Assembly's proclaiming the Universal Declaration of Human Rights as a standard of achievement for all peoples and all nations, urging all, by national and international measures, to secure their universal and effective recognition and observance.

The very first article states the simple truth that all human beings are born free and equal in dignity and rights, are endowed with reason and conscience, and should act towards each other in brotherhood.

Everyone, therefore, continues Article 2, is entitled to all the rights and freedoms in the Declaration without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, or the status of the country or territory to which a person belongs.

The Declaration continues: everyone has the right to life, liberty and personal security; "slavery is prohibited"; no one shall be subjected to cruel, inhuman or degrading treatment or punishment; everyone has the right to recognition everywhere as a person before the law; all men are equal before the law and entitled to equal protection of the law and equal protection against any discrimination in violation of the Declaration; everyone has the right to an effective remedy in his national tribunals for acts violating the fundamental rights granted by law; no one shall be subjected to arbitrary arrest, detention, or exile.⁴

The rights of the accused are protected: full equality to a fair and public hearing by an independent and impartial tribunal; the right to be presumed innocent until proved guilty and no punishment for an *ex post facto* law.⁵

The right of privacy; no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks on his honor and reputation.⁶

Everyone has the right to freedom of movement and residence within each state, to leave any country and to return to his country; to enjoy in other countries asylum from persecution except for non-political crimes or acts contrary to the UN;⁷ to have a nationality and the right to change it.⁸

Family and property rights are safeguarded: freedom to marry without regard to race, nationality, or religion; to found a family, to marry only with the consent of the intending spouse; to own property and not to be arbitrarily deprived of it.⁹

The Declaration asserts for everyone the rights of freedom of religion,¹⁰ opinion and expression,¹¹ assembly and association;¹² the right to take part in one's government, with a guarantee of periodic elections with universal equal suffrage by free voting procedures;¹³ the right to social security;¹⁴ the right to work, to equal pay for equal work, to free choice of employment, to protection against unemployment, to join a trade union;¹⁵ the right to rest and leisure;¹⁶ the right to a standard of living adequate for health and well-being; the same social protection to all children whether born in or out of wedlock;¹⁷ the right to an education free in the elementary stages—its purpose; to develop human personality and to promote understanding and friendship among all nations, racial or religious groups for the maintenance of peace;¹⁸ the right to participate in the cultural life of the community, and to have protection as the author of scientific, literary or artistic production.¹⁹

If, as the Declaration states, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized,²⁰ then, everyone has duties to the community, so that in the exercise of his rights and freedoms everyone is subject to those legal limitations for the purpose of securing recognition and respect for the rights, and freedoms of others and of meeting the requirements of morality, public order and the general welfare of a democratic society.²¹

The Declaration cautions that nothing in it may be interpreted as implying for anyone the right to do any act aimed at the de-